THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5699 of 2006

Dated 31-03-2006

Between:

V. Nageswara Rao and others. .. Petitioners

And

The Project Officer, I.T.D.A.,
Kota Ramachandrapurarm, and another.

.. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5699 of 2006

ORDER:

Heard Smt. S. V. Indira, the learned counsel for the petitioners and the learned Government Pleader for Social Welfare appearing for the respondents. Both the counsel agreed that the writ petition could be disposed of at the stage of admission.

Petitioners, five in number, question the action of the respondents in recovering the amount, allegedly due towards their motor cycle loan, pursuant to the impugned proceedings dated

22-03-2005 and seek a direction to the respondents to pay them Fixed Traveling Allowance Amount of Rs.500/- per month as well as the Consolidated Allowance of Rs.500/- per month during their period of work after deducting the balance of 50% motor cycle loan amount.

Brief facts to the extent necessary are that the petitioners are teachers under I.T.D.W.,

Kota Ramachandrapuram, West Godavari District. They were selected as School Complex Resource Persons (hereinafter referred to as SCRPs'). The first respondent issued proceedings dated 10-01-2001 sanctioning Rs.36,300/- to each of the petitioners for purchasing motor cycles for the purpose of inspection of the schools within their jurisdiction. Under the said proceedings dated 10-01-2001, half of the amount sanctioned i.e., Rs.18,150/- was towards subsidy and the remaining half was payable to I.T.D.A. at Rs.303/- per month for a period of five years. Petitioners were informed under the said proceedings dated 10-01-2001 that a sum of Rs.500/- would be paid to them as Fixed Travelling Allowance. The first respondent, however, vide proceedings dated 22-03-2005, directed the petitioners to pay the entire motor cycle loan amount in ten equal monthly instalments. The petitioners would contend that the first respondent has not paid them the amount of Fixed Travelling Allowance of Rs.500/- per month and Consolidated Allowance of Rs.500/- per month till date. The petitioners would refer to the proceedings of the first respondent dated 22-03-2005 whereunder the petitioners were called upon to repay the loan at Rs.303/- per month. Petitioners would contend that if the amount representing the Fixed Travelling Allowance at Rs.500/- per month and the Consolidated Allowance of Rs.500/- per month i.e., a total amount of Rs.1,000/- per month for fifty months is calculated, it is the respondents who are required to pay amounts to the petitioners and not the other way around.

A perusal of the proceedings dated 10-01-2001 would reveal that while each of the petitioners were sanctioned a sum of Rs.36,300/- towards purchase of motor cycles, they were informed that half of the said amount of Rs.18,150/- represented the subsidy while the remaining half of Rs.18,150/- represented the loan which was required to be repaid by the petitioners in sixty monthly instalments at Rs.303/- per month. The petitioners were also informed that they will be paid Rs.500/- per month from out of which amount they were required to bear their petrol expenses.

Smt. S. V. Indira, the learned counsel for the petitioners would submit that the petitioners are now required to repay the entire motor cycle loan amount of Rs.36,300/- though half of the said amount represents subsidy.

The learned government pleader for Social Welfare would however placed a chart before this Court which reads as under:

.	Name of the Ex.SCRP	Date of joining	Date of Relieved	Motor Vehicle taken on	Motor Vehicle Loan taken	50% subsidy for working period of 49 months	F.T.A. paid by adjusting to loan recovery @ 400/- 7/00 to 3/02	F.T.A. paid by SSA Eluru 4/02 to 8/04 @ 450/-	Total amount deduction from loan 7 + 8	Net loan amount to be paid by SCRP 6-10	Paid loan amount	Yet to be be Paid
	2	3	4	5	6	7	8	9	10	11	12	13
	K. Posiyya	7/ 2000	8/ 2004	7/ 2001	36,300	13,330	8,400	13,050	21,730	14,570	-	14,570
	V.Nageswararao	7/ 2000	8/ 2004	7/ 2001	36,300	13,330	8,400	13,050	21,730	14,570		14,570

K.Satyanarayana	7/ 2000	8/ 2004	7/ 2001	36,300	13,330	8,400	13,050	21,730	14,570	8,724	5,828
S.Ganga Raju	7/ 2000	8/ 2004	7/ 2001	36,300	13,330	8,400	13,050	21,730	14,570	-	14,570
P.Mohan Rao	7/ 2000	8/ 2004	7/ 2001	36,300	13,330	8,400	13,050	21,730	14,570	-	14,570

It is clear from the chart that the amount which is now sought to be recovered from the petitioners is after giving them the benefit of 50% subsidy as also the benefit of Fixed Travelling Allowance at Rs.400/- per month for the period from July, 2000 to March, 2002. This amount of Rs.400/- was not paid to the petitioners but was adjusted towards the loan amount. The petitioners were however paid Fixed Travelling Allowance of Rs.450/- per month for the period from April, 2002 to August, 2004. After adjusting the 50% subsidy and Fixed Travelling Allowance of Rs.400/- per month for the period from July, 2000 to March, 2002, the net amount payable was arrived at Rs.14,570/-, out of which the fourth petitioner had repaid a sum of Rs.8,752/-. This net amount of Rs.14,570/- in case of petitioners 1 to 3 and 5 and Rs.5,828/- in the case of the fourth petitioner was sought to be recovered in ten monthly instalments. While it is not in dispute that the respondents are entitled to recover the amount due from the petitioners, under the proceedings dated 10-01-2001, they were required to effect recoveries in accordance with the said order, only at Rs.303/- per month.

The net amount due from the petitioners 1 to 3 and 5 of Rs.14,570/- and from the fourth petitioner of Rs.5,828/- shall only be recovered in accordance with the earlier proceedings dated

10-01-2001 at Rs.303/- per month. The writ petition is accordingly disposed of directing the respondents to effect recoveries of the loan amount due from the petitioners at monthly instalments of Rs.303/- per month. No costs.

RAMESH RANGANATHAN, J

Dated 31-03-2006
ghn